

Panaji, 26th June, 2014 (Asadha 5, 1936)

SERIES I No. 13

# OFFICIAL GOVERNMENT OF GOA GAZETTE



PUBLISHED BY AUTHORITY

## INDEX

Department	Notification/Order	Subject	Pages
1. Civil Supplies & Consumer Affairs Dir. & ex officio Addl. Secy.	Not.- DCS/S/KER/PF/ /2014-15/66	Fixation of maximum wholesale & retail price of Kerosene for domestic purpose.	387
2. Education, Art & Culture Dir. & ex officio Joint Secy.	Ord.- 1(1)-4-2013/SE/634	Creation of posts— Directorate of Education.	388
3. Labour Chief Inspector & ex officio Joint Secretary	Not.- VI/BLR/(2)/A-117/ /(a)/295	Goa Boiler (Third Amendment) Rules, 2014.	389
4. a. Law & Judiciary Under Secretary	Not.- 10/3/2014-LA./114	The Securities Laws (Amendment) Ordinance, 2014.	392
b. —do—	Not.- 10/3/2013-LA- -(Part)/144	The National Food Security Act, 2013.	405

## GOVERNMENT OF GOA

Department of Civil Supplies &amp; Consumer Affairs

### Notification

DCS/S/KER/PF/2014-15/66

In pursuance of clause 3 read with sub-clause (d)(i) of clause 2 of Kerosene (Fixation of Ceiling Price) Order, 1993, the Government of Goa hereby directs that maximum wholesale & retail price for domestic purpose of Kerosene superior shall be as under with effect from 20-3-2014.

Sr. No.	Taluka	Wholesale Price per Kilo litre including VAT Existing	Wholesale Price per Kilo litre including VAT & Green Cess Revised	Retail Price per litre including VAT Existing	Retail Price per litre including VAT & Green Cess Revised
1	2	3	4	5	6
1.	Tiswadi	Rs. 15437.12	Rs. 15438.01	Rs. 16.08	Rs. 16.09
	Chorao	Rs. 15468.62	Rs. 15469.51	Rs. 16.12	Rs. 16.12
	Diwar	Rs. 15468.62	Rs. 15469.51	Rs. 16.12	Rs. 16.12

1	2	3	4	5	6
2.	Salcete	Rs. 14992.63	Rs. 14993.53	Rs. 15.62	Rs. 15.62
3.	Bardez	Rs. 15577.49	Rs. 15578.38	Rs. 16.23	Rs. 16.23
	Corjuvem	Rs. 15577.49	Rs. 15578.38	Rs. 16.23	Rs. 16.23
4.	Mormugao	Rs. 14823.03	Rs. 14823.92	Rs. 15.45	Rs. 15.45
5.	Ponda	Rs. 15086.21	Rs. 15087.10	Rs. 15.72	Rs. 15.72
6.	Quepem	Rs. 15220.73	Rs. 15221.62	Rs. 15.86	Rs. 15.86
7.	Bicholim	Rs. 15589.18	Rs. 15590.07	Rs. 16.24	Rs. 16.24
8.	Pernem	Rs. 15852.21	Rs. 15853.26	Rs. 16.52	Rs. 16.52
9.	Canacona	Rs. 15489.76	Rs. 15490.65	Rs. 16.14	Rs. 16.14
10.	Sanguem	Rs. 15349.39	Rs. 15350.29	Rs. 15.99	Rs. 15.99
11.	Satari	Rs. 15489.76	Rs. 15490.65	Rs. 16.14	Rs. 16.14
12.	Dharbandora	Rs. 15086.21	Rs. 15087.10	Rs. 15.72	Rs. 15.72

By order and in the name of the Governor of Goa.

*Deepali D. Naik*, Director & ex officio Joint Secretary (Civil Supplies & Consumer Affairs).

Panaji, 29th April, 2014.



## Department of Education, Art & Culture

Directorate of Education

### Order

1(1)-4-2013/SE/634

Sanction of the Government is hereby conveyed for creation of the six posts of Headmasters, Group 'B', Gazetted in the pay scale of Rs. 15,600-39,100+Grade pay of Rs. 5,400/- in the below mentioned Government High Schools, under the control of Directorate of Education, Porvorim-Goa, with immediate effect.

1. Government High School, Surla-Satari.
2. Government High School, Malkarnem-Quepem.
3. Government High School, Valkini, Sanguem.
4. Government High School, Agonda, Canacona.
5. Government High School, Kirlwada, Chimbel.
6. Government High School, Kudchire, Bicholim.

The expenditure on these posts of Headmasters will be debited to the Budget Head of Account "2202—General Education; 02—Secondary Education; 109—Government Secondary Schools; 02—Government High Schools (Non-Plan); 01—Salaries".

This issues with the concurrence of the Finance (Rev. & Cont.) Department vide their U. O. No. 1487841 dated 11-2-2014 and also the approval of the Council of Ministers as conveyed vide letter No. 1/14/2014-GAD-II(LXI) CAB dated 30-5-2014.

By order and in the name of the Governor of Goa.

*Anil V. Powar*, Director & ex officio Joint Secretary (Education).

Porvorim, 9th June, 2014.

Department of Labour  
Inspectorate of Factories and Boilers

—  
**Notification**

VI/BLR/(2)/A-117/(a)/295

Whereas, certain draft rules which the Government of Goa proposed to make in exercise of the powers conferred by section 29 of the Boilers Act, 1923 (Act 5 of 1923) (hereinafter referred to as the "said Act") so as to further amend the Goa, Daman and Diu Boiler Rules, 1983 were pre-published as required by section 31 of the said Act in the Official Gazette, Series I No. 42, dated 16th January, 2014, under Notification No. VI/BLR/(2)/A-117/(a)/5272 dated 6th January, 2014, of the Inspectorate of Factories and Boilers, inviting objections and suggestions from all persons likely to be affected thereby, within three months from the date of publication of the said Notification in the Official Gazette;

And whereas, the said Official Gazette was made available to the public on 16th January, 2014.

And whereas, no objections or suggestions were received from the public on the said draft rules by the Government within the stipulated period;

Now, therefore, in exercise of the powers conferred by section 29 of the Boilers Act, 1923 (Act 5 of 1923), and all other powers enabling it in this behalf, the Government of Goa hereby makes the following rules so as to further amend the Goa, Daman and Diu Boiler Rules, 1983, namely:—

1. *Short title and commencement.*— (1) These rules may be called the Goa Boiler (Third Amendment) Rules, 2014.

(2) They shall come into force at once.

2. *Amendment of rule 1.*— In rule 1 of the Goa, Daman and Diu Boiler Rules, 1983 (hereinafter referred to as the "principal

Rules"), in sub-rule (a), the figure and the words, "Daman and Diu" shall be omitted.

3. *Amendment of rule 2.*— In rule 2 of the principal Rules,—

(i) in clause (a), the word "Indian" shall be omitted;

(ii) for clause (d), the following clause shall be substituted, namely:—

“(d) “Government” means the Government of Goa;”;

(iii) for clause (g), the following clause shall be substituted, namely:—

“(g) “Rules” means the Goa Boiler Rules, 1983;”;

(iv) clause (i) shall be omitted.

4. *Amendment of rule 3.*— In rule 3 of the principal Rules, for the words "Union territory", the words "State of Goa" shall be substituted.

5. *Amendment of rule 4.*— In rule 4 of the principal Rules, the expression "Daman and Diu," wherever it occurs, shall be omitted.

6. *Amendment of rule 8.*— In rule 8 of the principal Rules, in sub-rule (1), in clause (a), for the words "Union Territory," the words "State of Goa" shall be substituted.

7. *Amendment of rule 9.*— In rule 9 of the principal Rules,—

(i) in the heading, for the expression "Appointment of Inspectors and general duties of inspectors", the expression "General duties of inspectors" shall be substituted;

(ii) sub rule (1) shall be omitted.

8. *Amendment of rule 19.*— In rule 19 of the principal Rules, for the expression "Union territory of Goa, Daman and Diu", the expression "State of Goa" shall be substituted.

9. *Amendment of rule 20.*— In rule 20 of the principal Rules, for the expression “Union territory of Goa, Daman and Diu”, the expression “the State of Goa” shall be substituted.

10. *Amendment of rule 36.*— In rule 36 of the principal Rules,—

(i) for sub-rule (2), the following sub-rule shall be substituted, namely:—

“(2) *Inspection fees.*— (a) Fees for renewal of certificate of boilers shall be calculated on the basis of rating and shall be levied in accordance with the following scale; namely:—

For boiler rating not exceeding 9.3 sq. mts.	Rs.	1,900/-.
For boiler rating exceeding 9.3 sq. mts. but not exceeding 27.9 sq. mts.	Rs.	2,300/-.
For boiler rating exceeding 27.9 sq. mts. but not exceeding 45.9 sq. mts.	Rs.	2,800/-.
For boiler rating exceeding 45.9 sq. mts. but not exceeding 65.1 sq. mts.	Rs.	3,300/-.
For boiler rating exceeding 65.1 sq. mts. but not exceeding 83.7 sq. mts.	Rs.	3,750/-.
For boiler rating exceeding 83.7 sq. mts. but not exceeding 102.3 sq.mts.	Rs.	4,200/-.
For boiler rating exceeding 102.3 sq. mts. but not exceeding 186 sq. mts.	Rs.	4,700/-.
For boiler rating exceeding 186 sq. mts. but not exceeding 372 sq. mts.	Rs.	5,200/-.
For boiler rating exceeding 372 sq. mts. but not exceeding 558 sq. mts.	Rs.	5,650/-.
For boiler rating exceeding 558 sq. mts. but not exceeding 774 sq. mts.	Rs.	6,500/-.
For boiler rating exceeding 774 sq. mts. but not exceeding 930 sq. mts.	Rs.	7,500/-.
For boiler rating exceeding 930 sq. mts. but not exceeding 1116 sq. mts.	Rs.	8,500/-.
For boiler rating exceeding 1116 sq. mts. but not exceeding 1302 sq.mts.	Rs.	9,400/-.
For boiler rating exceeding 1302 sq. mts. but not exceeding 1488 sq.mts.	Rs.	10,300/-.
For boiler rating exceeding 1488 sq. mts. but not exceeding 1674 sq.mts.	Rs.	11,250/-.
For boiler rating exceeding 1674 sq. mts. but not exceeding 1860 sq.mts.	Rs.	13,200/-.
For boiler rating exceeding 1860 sq. mts. but not exceeding 2046 sq.mts.	Rs.	15,000/-.
For boiler rating exceeding 2046 sq. mts. but not exceeding 2232 sq.mts.	Rs.	16,900/-.
For boiler rating exceeding 2232 sq. mts. but not exceeding 2418 sq.mts.	Rs.	18,750/-.
For boiler rating exceeding 2418 sq. mts. but not exceeding 2604 sq.mts.	Rs.	20,650/-.
For boiler rating exceeding 2604 sq. mts. but not exceeding 2790 sq.mts.	Rs.	22,500/-.
Above 2790 sq. mts, for every 186 sq. mts. or part thereof, an additional fee shall be charged.	Rs.	1,000/-.
(b) Fees for ordinary inspection of a miniature boiler shall be .....	Rs.	1,000/-.

Provided that when any owner is willing to accept a renewed certificate for less than twelve months in order to approximate the date of annual inspection to the date on which other boilers in the locality are inspected, a certificate for such period of less than twelve months, as may be necessary for such approximation of dates, may be granted at a reduced fee to be calculated at one twelfth of the ordinary fee for each full month, portion of a month will be reckoned as one full month.”;

(ii) in sub-rule (3),—

(A) in clause (a),—

(a) in sub-clause (i), for the letters and figures “Rs. 750/-”, the letters and figures “Rs. 1,000/-” shall be substituted;

(b) in sub-clause (ii), for the letters and figures “Rs. 375/-”, the letters and figures “Rs. 500/-” shall be substituted;

(B) in clause (b),—

(a) in sub-clause (i), for the letters and figures “Rs. 1,125/-”, the letters and figures “Rs. 1,500/-” shall be substituted;

(b) in sub-clause (ii), for the letters and figures “Rs. 750/-”, the letters and figures “Rs. 1,000/-” shall be substituted;

(C) in clause (c), for the letters and figures “Rs. 75/-” and “Rs. 750/-”, wherever they occur, the letters and figures “Rs. 150/-” and “Rs. 1,000/-” shall be respectively substituted;

(iii) in sub-rule (4), in clause (a),—

(A) in sub-clause (i) and (ii), for the letters and figures “Rs. 1,125/-”, the letters and figures “Rs. 1,500/-” shall be substituted;

(B) in sub-clause (iii), for the letters and figures “Rs. 600/-”, the letters and figures “Rs. 750/-” shall be substituted.

11. *Amendment of Rule 38-A.*— For rule 38-A of the principal Rules, the following rule shall be substituted, namely:—

“38-A. *Fees for approval and renewal.*— The fees for the approval of following firms and renewal of its approval shall be calculated on the basis of rates to be levied in accordance with the following scale, namely:—

	Rs.
(a) (i) for approval of firm for pipe fabrication	2,500/-.
(ii) for renewal of approval of firm as pipe fabrication firm	1,600/-.
(b) (i) for approval of firm as boiler repairer/erector	2,500/-.
(ii) for renewal of approval of firm as boiler repairer/erector firm	1,600/-.
(c) (i) for approval of firm for manufacture of boilers, economisers, pipes, tubes, pressure vessels and heat exchangers	10,000/-.
(ii) for renewal of approval of firm for manufacture of boilers, economisers, pipes, tubes, pressure vessels and heat exchangers	5,300/-.
(d) (i) for approval of firm for manufacture of castings, forgings, valves, forged-flanges and such other fittings	6,250/-.
(ii) for renewal of approval of firm for manufacture of castings, forgings, valves, forged-flanges and such other fittings	3,500/-.
(e) (i) for approval of firm for manufacture of plate flanges	4,400/-.
(ii) for renewal of approval of firm for manufacture of plate flanges	2,500/-.
(f) (i) for approval of testing laboratory	4,400/-.
(ii) for renewal of approval of testing laboratory	2,500/-.
(g) (i) for approval of electrode manufacturer (initial qualification)	2,500/-.
(ii) for renewal of approval of electrode manufacturer (periodical testing).	1,600/-.

12. *Amendment of rule 41.*— In rule 41 for the principal Rules, for the letters and figures “Rs. 300/-”, the letters and figures “Rs. 375/-” shall be substituted.

13. *Amendment of rule 42.*— In rule 42 of the principal Rules, for the letters and figures “Rs. 150/-”, the letters and figures “Rs. 200/-” shall be substituted.

14. *Amendment of rule 52.*— In rule 52 of the principal Rules, for the words “rupees three hundred”, the words “rupees three hundred seventy-five” shall be substituted.

15. *Amendment of Form “B”.*— In Form “B” to the principal Rules, the letter and words “DAMAN AND DIU” shall be omitted.

By order and in the name of the Governor of Goa.

S. M. Paranjape, Chief Inspector & ex officio Joint Secretary (Factories and Boilers).

Panaji, 24th June, 2014.

## Department of Law &amp; Judiciary

Legal Affairs Division

**Notification**

10/3/2014-LA./114

The Securities Laws (Amendment) Ordinance, 2014 (Ordinance No. 2 of 2014) which has been promulgated by the President in the Sixty-fifth Year of the Republic of India and published in the Gazette of India, Extraordinary, Part II, Section 1, dated 28-3-2014, is hereby published for the general information of the public.

*Julio B. Noronha*, Under Secretary (Law).

Porvorim, 30th April, 2014.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, the 28th March, 2014/Chaitra 7,  
1936 (Saka)*

THE SECURITIES LAWS (AMENDMENT)  
ORDINANCE, 2014

No. 2 of 2014

*Promulgated by the President in the Sixty-fifth  
Year of the Republic of India.*

An Ordinance further to amend the Securities and Exchange Board of India Act, 1992, the Securities Contracts (Regulation) Act, 1956 and the Depositories Act, 1996.

Whereas the Securities Laws (Amendment) Ordinance, 2013 further to amend the Securities and Exchange Board of India Act, 1992, the Securities Contracts (Regulation) Act, 1956 and the Depositories Act, 1996 was promulgated by the President on the 18th day of July, 2013;

And Whereas the Securities Laws (Amendment) Bill, 2013 with certain modifications was introduced on the 12th day of August, 2013 in the House of the People to replace the said Ordinance;

And Whereas the said Bill was referred by the Speaker of the House of the People to the Department-related Parliamentary Standing Committee on Finance;

And Whereas the Bill could not be passed by the House of the People;

And Whereas to give continued effect to the provisions of the Securities Laws (Amendment) Ordinance, 2013, the Securities Laws (Amendment) Second Ordinance, 2013 was promulgated by the President on the 16th day of September, 2013;

And Whereas the said Ordinance, 2013 ceased to operate on the 16th day of January, 2014;

And Whereas Parliament is not in session and the President is satisfied that circumstances exist which render it necessary for him to take immediate action to validate the actions taken under the said Ordinance so ceased to operate and to take further action to provide for the aforesaid matters;

Now, Therefore, in exercise of the powers conferred by clause (I) of article 123 of the Constitution, the President is pleased to promulgate the following Ordinance:—

## CHAPTER I

## Preliminary

1. *Short title and commencement.*— (1) This Ordinance may be called the Securities Laws (Amendment) Ordinance, 2014.

(2) Save as otherwise provided, the provisions of this Ordinance, except clause (ii) of section 5, section 6, section 15, section 18 and section 23, shall be deemed to have come into force on the 18th day of July, 2013.



(3) The provisions of clause (ii) of section 5, section 6, section 15, section 18 and section 23 of this Ordinance shall come into force at once.

## CHAPTER II

### Amendments to the Securities and Exchange Board of India Act, 1992

2. *Amendment of section 11.*— In section 11 of the Securities and Exchange Board of India Act, 1992<sup>15 of 1992</sup>. (hereafter in this Chapter referred to as the principal Act),—

(i) in sub-section (2),—

(a) for clause (ia), the following clause shall be substituted, namely:—

“(ia) calling for information and records from any person including any bank or any other authority or board or corporation established or constituted by or under any Central or State Act which, in the opinion of the Board, shall be relevant to any investigation or inquiry by the Board in respect of any transaction in securities;”;

(b) after clause (ia), the following clause shall be inserted and shall be deemed to have been inserted with effect from the 6th day of March, 1998, namely:—

“(ib) calling for information from, or furnishing information to, other authorities, whether in India or outside India, having functions similar to those of the Board, in the matters relating to the prevention or detection of violations in respect of securities laws, subject to the provisions of other laws for the time being in force in this regard:

Provided that the Board, for the purpose of furnishing any information to any authority outside India, may enter into an arrangement or agreement or understanding with such authority with the prior approval of the Central Government;”;

(ii) after sub-section (4), the following sub-section shall be inserted, namely:—

“(5) The amount disgorged, pursuant to a direction issued, under section 11B or section 12A of the Securities Contracts (Regulation) Act, 1956 or section 42 of 1956. 19 of the Depositories Act, 1996, 22 of 1996. as the case may be, shall be credited to the Investor Protection and Education Fund established by the Board and such amount shall be utilised by the Board in accordance with the regulations made under this Ordinance.”.

3. *Amendment of section 11AA.*— In section 11AA of the principal Act,—

(i) in sub-section (1),—

(a) after the word, brackets and figure “sub-section (2)”, the words, brackets, figure and letter “or sub-section (2A)” shall be inserted;

(b) the following proviso shall be inserted, namely:—

“Provided that any pooling of funds under any scheme or arrangement, which is not registered with the Board or is not covered under sub-section (3), involving a corpus amount of one hundred crore rupees or more shall be deemed to be a collective investment scheme.”;

(ii) in sub-section (2), in the opening portion, for the word “company”, the word “person” shall be substituted;

(iii) after sub-section (2), the following sub-section shall be inserted, namely:—

“(2A) Any scheme or arrangement made or offered by any person satisfying the conditions as may be specified in accordance with the regulations made under this Ordinance.”;

(iv) in sub-section (3),—

(a) after the word, brackets and figure “sub-section (2)”, the words, brackets, figure and letter “or sub-section (2A)” shall be inserted;

(b) after clause (viii), the following clause shall be inserted, namely:—

“(ix) such other scheme or arrangement which the Central Government may, in consultation with the Board, notify,”.

4. *Amendment of section 11B.*— In section 11B of the principal Act, the following *Explanation* shall be inserted, namely:—

“*Explanation.*— For the removal of doubts, it is hereby declared that the power to issue directions under this section shall include and always be deemed to have been included the power to direct any person, who made profit or averted loss by indulging in any transaction or activity in contravention of the provisions of this Act or regulations made thereunder, to disgorge an amount equivalent to the wrongful gain made or loss averted by such contravention.”.

5. *Amendment of section 11C.*— In section 11C of the principal Act,—

(i) for sub-section (8) the following sub-section shall be substituted, namely:—

“(8) Where in the course of an investigation, the Investigating Authority has reason to believe that any person or enterprise, as the case may be, to whom a notice under sub-section (3) has been issued or might be issued,—

(a) has omitted or failed to provide the information or produce documents as required in the notice; or

(b) may not provide the information or produce documents which shall be useful for, or relevant to, the investigation; or

(c) may destroy, mutilate, alter, falsify or secrete the information or

documents useful for, or relevant to, the investigation,

then, the Chairman may, after being satisfied that it is necessary so to do, after recording the reasons thereof in writing, authorise the Investigating Authority or any other officer of the Board (the officer so authorised being hereinafter referred to as the authorised officer), to—

(i) enter and search, with such assistance, as may be required, the building, place, vessel, vehicle or aircraft where such information or documents are expected or believed to be kept;

(ii) break open the lock of any door, box, locker, safe almirah or other receptacle for exercising the powers conferred by sub-clause (i), where the keys thereof are not available;

(iii) search any person who has got out of, or is about to get into, or is in, the building, place, vessel, vehicle or aircraft, if the authorised officer has reason to suspect that such person has secreted about his person any such books of account or other documents;

(iv) require any person who is found to be in possession or control of any books of account or other documents, maintained in the form of electronic record, to provide the authorised officer the necessary facility to inspect such books of account or other documents.

*Explanation.*— For the purposes of this sub-clause, the expression “electronic record” shall have the meaning assigned to it in clause (t) of sub-section (1) of section 2 of the Information Technology Act, 2000; 21 of 2000.

(v) seize any such books of account or other documents found as a result of such search;

(vi) place marks of identification on any books of account or other



documents or make or cause to be made extracts or copies therefrom;

(vii) record on oath the statement of any person who is found to be in possession or in control of the information or documents referred to in sub-clauses (i), (iii) and (iv).’;

(ii) after sub-section (8), the following sub-section shall be inserted, namely:—

“(8A) The authorised officer may requisition the services of any police officer or any officer of the Central Government, or of both, to assist him for all or any of the purposes specified in sub-section (8) and it shall be the duty of every such officer to comply with such requisition.”;

(iii) for sub-section (9), the following sub-section shall be substituted, namely:—

“(9) The Board may make regulations in relation to any search or seizure under this section; and in particular, without prejudice to the generality of the foregoing power, such regulations may provide for the procedure to be followed by the authorised Officer—

(a) for obtaining ingress into any building, place, vessel, vehicle or aircraft to be searched where free ingress thereto is not available;

(b) for ensuring safe custody of any books of account or other documents or assets seized.”;

(iv) in sub-section (10), the words “and inform the Magistrate of such return” shall be omitted.

6. *Amendment of section 15-I.* — In section 15-I of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The Board may call for and examine the record of any proceedings under this

section and if it considers that the order passed by the adjudicating officer is erroneous to the extent it is not in the interests of the securities market, it may, after making or causing to be made such inquiry as it deems necessary, pass an order enhancing the quantum of penalty, if the circumstances of the case so justify:

Provided that no such order shall be passed unless the person concerned has been given an opportunity of being heard in the matter:

Provided further that nothing contained in this sub-section shall be applicable after an expiry of a period of three months from the date of the order passed by the adjudicating officer or disposal of the appeal under section 15T, whichever is earlier.”.

7. *Insertion of new section 15JB* — After section 15JA of the principal Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 20th day of April, 2007, namely:—

“15JB. *Settlement of administrative and civil proceedings.*— (1) Notwithstanding anything contained in any other law for the time being in force, any person, against whom any proceedings have been initiated or may be initiated under section 11, section 11B, section 11D, sub-section (3) of section 12 or section 15-I, may file an application in writing to the Board proposing for settlement of the proceedings initiated or to be initiated for the alleged defaults.

(2) The Board may, after taking into consideration the nature, gravity and impact of defaults, agree to the proposal for settlement, on payment of such sum by the defaulter or on such other terms as may be determined by the Board in accordance with the regulations made under this Ordinance.

(3) The settlement proceedings under this section shall be conducted in accordance with the procedure specified in the regulations made under this Ordinance.

(4) No appeal shall lie under section 15T against any order passed by the Board or adjudicating officer, as the case may be, under this section.”.

8. *Amendment of section 15T.*— In section 15T of the principal Act, sub-section (2) shall be omitted.

9. *Amendment of section 26.*— In section 26 of the principal Act, sub-section (2) shall be omitted.

10. *Insertion of new sections 26A, 26B, 26C, 26D and 26E.*— After section 26 of the principal Act, the following sections shall be inserted, namely:—

“26A. *Establishment of Special Courts.*—  
(1) The Central Government may, for the purpose of providing speedy trial of offences under this Act, by notification, establish or designate as many Special Courts as may be necessary.

(2) A Special Court shall consist of a single judge who shall be appointed by the Central Government with the concurrence of the Chief Justice of the High Court within whose jurisdiction the judge to be appointed is working.

(3) A person shall not be qualified for appointment as a judge of a Special Court unless he is, immediately before such appointment, holding the office of a Sessions Judge or an Additional Sessions Judge, as the case may be.

26B. *Offences triable by Special Courts.*— Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act committed prior to the date of commencement of the Securities Laws (Amendment) Ordinance, 2014 or on or after the date of such commencement, shall be taken cognizance of and tried by the Special Court established for the area in which

the offence is committed or where there are more Special Courts than one for such area, by such one of them as may be specified in this behalf by the High Court concerned.

26C. *Appeal and revision.*— The High Court may exercise, so far as may be applicable, all the powers conferred by Chapters XXIX and XXX of the Code of Criminal Procedure, 1973 on a High Court, as if a Special Court within the local limits of the jurisdiction of the High Court were a Court of Session trying cases within the local limits of the jurisdiction of the High Court. 2 of 1974.

26D. *Application of Code to proceedings before Special Court.*—  
(1) Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Session and the person conducting prosecution before a Special Court shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973. 2 of 1974.

(2) The person conducting prosecution referred to in sub-section (1) should have been in practice as an Advocate for not less than seven years or should have held a post, for a period of not less than seven years, under the Union or a State, requiring special knowledge of law.

26E. *Transitional provisions.*— Any offence committed under this Act which is triable by a Special Court shall, until a Special Court is established, be taken

cognizance of and tried by a Court of Session exercising jurisdiction over the area, notwithstanding anything contained in the Code of Criminal Procedure, 1973: 2 of 1974.

Provided that nothing contained in this section shall affect the powers of the High Court under section 407 of the Code of Criminal Procedure, 1973 to transfer any case or class of cases taken cognizance by a Court of Session under this section.”. 2 of 1974.

11. *Insertion of new section 28A.*— After section 28 of the principal Act, the following section shall be inserted, namely:—

“28A. *Recovery of amounts.*— (1) If a person fails to pay the penalty imposed by the adjudicating officer or fails to comply with any direction of the Board for refund of monies or fails to comply with a direction of disgorgement order issued under section 11B or fails to pay any fees due to the Board, the Recovery Officer may draw up under his signature a statement in the specified form specifying the amount due from the person (such statement being hereafter in this Chapter referred to as certificate) and shall proceed to recover from such person the amount specified in the certificate by one or more of the following modes, namely:—

(a) attachment and sale of the person's movable property;

(b) attachment of the person's bank accounts;

(c) attachment and sale of the person's immovable property;

(d) arrest of the person and his detention in prison;

(e) appointing a receiver for the management of the person's movable and immovable properties,

and for this purpose, the provisions of sections 221 to 227, 228A, 229, 232, the Second and

Third Schedules to the Income-tax Act, 1961 and the Income-tax (Certificate Proceedings) Rules, 1962, as in force from time to time, 43 of 1961. in so far as may be, apply with necessary modifications as if the said provisions and the rules made thereunder were the provisions of this Act and referred to the amount due under this Ordinance instead of to income-tax under the Income-tax Act, 1961.

*Explanation 1.*— For the purposes of this sub-section, the person's movable or immovable property or monies held in bank accounts shall include any property or monies held in bank accounts which has been transferred directly or indirectly on or after the date when the amount specified in certificate had become due, by the person to his spouse or minor child or son's wife or son's minor child, otherwise than for adequate consideration, and which is held by, or stands in the name of, any of the persons aforesaid; and so far as the movable or immovable property or monies held in bank accounts so transferred to his minor child or his son's minor child is concerned, it shall, even after the date of attainment of majority by such minor child or son's minor child, as the case may be, continue to be included in the person's movable or immovable property or monies held in bank accounts for recovering any amount due from the person under this Ordinance.

*Explanation 2.*— Any reference under the provisions of the Second and Third Schedules to the Income-tax Act, 1961 and 43 of 1961. the Income-tax (Certificate Proceedings) Rules, 1962 to the assessee shall be construed as a reference to the person specified in the certificate.

*Explanation 3.*— Any reference to appeal in Chapter XVIIID and the Second Schedule to the Income-tax Act, 1961, shall be construed as a 43 of 1961.

reference to appeal before the Securities Appellate Tribunal under section 15T of this Act.

(2) The Recovery Officer shall be empowered to seek the assistance of the local district administration while exercising the powers under sub-section (1).

(3) Notwithstanding anything contained in any other law for the time being in force, the recovery of amounts by a Recovery Officer under sub-section (1), pursuant to non-compliance with any direction issued by the Board under section 11B, shall have precedence over any other claim against such person.

(4) For the purposes of sub-sections (1), (2) and (3), the expression "Recovery Officer" means any officer of the Board who may be authorised, by general or special order in writing, to exercise the powers of a Recovery Officer."

12. *Amendment of section 30.*— In section 30 of the principal Act, in sub-section (2),—

(i) after clause (c), the following clauses shall be inserted, namely:—

"(ca) the utilisation of the amount credited under sub-section (5) of section 11;

(cb) the fulfilment of other conditions relating to collective investment scheme under sub-section (2A) of section 11AA;

(cc) the procedure to be followed by the authorised officer for search or seizure under sub-section (9) of section 11C;"

(ii) after clause (d), the following clauses shall be inserted, namely:—

"(da) the terms determined by the Board for settlement of proceedings under sub-section (2) and the procedure for conducting of settlement proceedings under sub-section (3) of section 15JB;

(db) any other matter which is required to be, or may be, specified by regulations or in respect of which provision is to be made by regulations."

13. *Insertion of new section 34A.*— After section 34 of the principal Act, the following section shall be inserted, namely:—

"34A. *Validation of certain acts.*— Any act or thing done or purporting to have been done under the principal Act, in respect of calling for information from, or furnishing information to, other authorities, whether in India or outside India, having functions similar to those of the Board and in respect of settlement of administrative and civil proceedings, shall, for all purposes, be deemed to be valid and effective as if the amendments made to the principal Act had been in force at all material times."

### CHAPTER III

#### Amendments to the Securities Contracts (Regulation) Act, 1956

14. *Amendment of section 12A.*— In section 12A of the Securities Contracts (Regulation) Act, 1956 42 of 1956. (hereafter in this Chapter referred to as the principal Act), the following *Explanation* shall be inserted, namely:—

"*Explanation.*— For the removal of doubts, it is hereby declared that power to issue directions under this section shall include and always be deemed to have been included the power to direct any person, who made profit or averted loss by indulging in any transaction or activity in contravention of the provisions of this Act or regulations made thereunder, to disgorge an amount equivalent to the wrongful gain made or loss averted by such contravention."

15. *Amendment of section 23-I.*— In section 23-I of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—



“(3) The Board may call for and examine the record of any proceedings under this section and if it considers that the order passed by the adjudicating officer is erroneous to the extent it is not in the interests of the securities market, it may, after making or causing to be made such inquiry as it deems necessary, pass an order enhancing the quantum of penalty, if the circumstances of the case so justify:

Provided that no such order shall be passed unless the person concerned has been given an opportunity of being heard in the matter:

Provided further that nothing contained in this sub-section shall be applicable after an expiry of a period of three months from the date of the order passed by the adjudicating officer or disposal of the appeal under section 23L, whichever is earlier.”.

16. *Insertion of new section 23JA.*— After section 23J of the principal Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 20th day of April, 2007, namely:—

“23JA. *Settlement of administrative and civil proceedings.*— (1) Notwithstanding anything contained in any other law for the time being in force, any person, against whom any proceedings have been initiated or may be initiated under section 12A or section 23-I, may file an application in writing to the Board proposing for settlement of the proceedings initiated or to be initiated for the alleged defaults.

(2) The Board may, after taking into consideration the nature, gravity and impact of defaults, agree to the proposal for settlement, on payment of such sum by the defaulter or on such other terms as may be determined by the Board in accordance with the regulations made under the Securities and Exchange Board of India Act, 1992.

15 of 1992.

(3) For the purpose of settlement under this section, the procedure as specified by the Board under the Securities and Exchange Board of India Act, 1992 shall apply. 15 of 1992.

(4) No appeal shall lie under section 23L against any order passed by the Board or the adjudicating officer, as the case may be, under this section.”.

17. *Insertion of new section 23JB.*— After section 23JA of the principal Act as so inserted, the following section shall be inserted, namely:—

“23JB. *Recovery of amounts.*— (1) If a person fails to pay the penalty imposed by the adjudicating officer or fails to comply with a direction of disgorgement order issued under section 12A or fails to pay any fees due to the Board, the Recovery Officer may draw up under his signature a statement in the specified form specifying the amount due from the person (such statement being hereafter in this Chapter referred to as certificate) and shall proceed to recover from such person the amount specified in the certificate by one or more of the following modes, namely:—

(a) attachment and sale of the person's movable property;

(b) attachment of the person's bank accounts;

(c) attachment and sale of the person's immovable property;

(d) arrest of the person and his detention in prison;

(e) appointing a receiver for the management of the person's movable and immovable properties,

and for this purpose, the provisions of sections 221 to 227, 228A, 229, 232, the Second and Third Schedules to the Income-tax Act, 1961 and the Income-tax 43 of 1961. (Certificate Proceedings) Rules, 1962, as in force from time to time,

in so far as may be, apply with necessary modifications as if the said provisions and the rules thereunder were the provisions of this Act and referred to the amount due under this Ordinance instead of to income-tax under the Income-tax Act, 1961.

*Explanation 1.*— For the purposes of this sub-section, the person's movable or immovable property or monies held in bank accounts shall include any property or monies held in bank accounts which has been transferred, directly or indirectly on or after the date when the amount specified in certificate had become due, by the person to his spouse or minor child or son's wife or son's minor child, otherwise than for adequate consideration, and which is held by, or stands in the name of, any of the persons aforesaid; and so far as the movable or immovable property or monies held in bank accounts so transferred to his minor child or his son's minor child is concerned, it shall, even after the date of attainment of majority by such minor child or son's minor child, as the case may be, continue to be included in the person's movable or immovable property or monies held in bank accounts for recovering any amount due from the person under this Ordinance.

*Explanation 2.*— Any reference under the provisions of the Second and Third Schedules to the Income-tax Act, 1961 and the 43 of 1961. Income-tax (Certificate Proceedings) Rules, 1962 to the assessee shall be construed as a reference to the person specified in the certificate.

*Explanation 3.*— Any reference to appeal in Chapter XVIID and the Second Schedule to the Income-tax Act, 1961, shall be construed as a 43 of 1961. reference to appeal before the Securities Appellate Tribunal under section 23L of this Act.

(2) The recovery officer shall be empowered to seek the assistance of the local district administration while exercising the powers under sub-section (1).

(3) Notwithstanding anything contained in any other law for the time being in force, the recovery of amounts by a Recovery Officer under sub-section (1), pursuant to non-compliance with any direction issued by the Board under section 12A, shall have precedence over any other claim against such person.

(4) For the purposes of sub-sections (1), (2) and (3), the expression "Recovery Officer" means any officer of the Board who may be authorised, by general or special order in writing to exercise the powers of a Recovery Officer.'

18. *Amendment of section 23L.*— In section 23L of the principal Act, in sub-section (1), after the word, figure and letter "section 4B", the words, brackets, figures and letter "or sub-section (3) of section 23-I" shall be inserted.

19. *Amendment of section 26.*— In section 26 of the principal Act, sub-section (2) shall be omitted.

20. *Insertion of new sections 26A, 26B, 26C, 26D and 26E.*— After section 26 of the principal Act, the following sections shall be inserted, namely:—

"26A. *Establishment of Special Courts.*—

(1) The Central Government may, for the purpose of providing speedy trial of offences under this Act, by notification, establish or designate as many Special Courts as may be necessary.

(2) A Special Court shall consist of a single judge who shall be appointed by the Central Government with the concurrence of the Chief Justice of the High Court within whose jurisdiction the judge to be appointed is working.



(3) A person shall not be qualified for appointment as a judge of a Special Court unless he is, immediately before such appointment, holding the office of a Sessions Judge or an Additional Sessions Judge, as the case may be.

*26B. Offences triable by Special Courts.*—Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act committed prior to the date of commencement of the Securities Laws (Amendment) Ordinance, 2014 or on or after the date of such commencement, shall be taken cognizance of and tried by the Special Court established for the area in which the offence is committed or where there are more Special Courts than one for such area, by such one of them as may be specified in this behalf by the High Court concerned. 2 of 1974.

*26C. Appeal and Revision.*—The High Court may exercise, so far as may be applicable, all the powers conferred by Chapters XXIX and XXX of the Code of Criminal Procedure, 1973 on a High Court, as if a Special Court within the local limits of the jurisdiction of the High Court were a Court of Session trying cases within the local limits of the jurisdiction of the High Court. 2 of 1974.

*26D. Application of Code to proceedings before Special Court.*—(1) Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Session and the person conducting prosecution before a Special Court shall be deemed to

be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973.

(2) The person conducting prosecution referred to in sub-section (1) should have been in practice as an Advocate for not less than seven years or should have held a post, for a period of not less than seven years, under the Union or a State, requiring special knowledge of law.

*26E. Transitional provisions.*—Any offence committed under this Act, which is triable by a Special Court shall, until a Special Court is established, be taken cognizance of and tried by a Court of Session exercising jurisdiction over the area, notwithstanding anything contained in the Code of Criminal Procedure, 1973: 2 of 1974.

Provided that nothing contained in this section shall affect the powers of the High Court under section 407 of the Code to transfer any case or class of cases taken cognizance by a Court of Session under this section."

*21. Insertion of new section 32.*—After section 31 of the principal Act, the following section shall be inserted, namely:—

"32. *Validation of certain acts.*—Any act or thing done or purporting to have been done under the principal Act, in respect of settlement of administrative and civil proceedings, shall, for all purposes, be deemed to be valid and effective as if the amendments made to the principal Act had been in force at all material times."

#### CHAPTER IV

##### Amendments to the Depositories Act, 1996

*22. Amendment of section 19.*—In section 19 of the Depositories Act, 1996 (hereafter in this chapter 22 of 1996.

referred to as the principal Act), the following *Explanation* shall be inserted, namely:—

*“Explanation.—* For the removal of doubts, it is hereby declared that power to issue directions under this section shall include and always be deemed to have been included the power to direct any person, who made profit or averted loss by indulging in any transaction or activity in contravention of the provisions of this Act or regulations made thereunder, to disgorge an amount equivalent to the wrongful gain made or loss averted by such contravention.”.

23. *Amendment of section 19H.—* In section 19H of the principal Act, after sub-section (2), the following sub-section shall be inserted, namely:—

“(3) The Board may call for and examine the record of any proceedings under this section and if it considers that the order passed by the adjudicating officer is erroneous to the extent it is not in the interests of the securities market, it may, after making or causing to be made such inquiry as it deems necessary, pass an order enhancing the quantum of penalty, if the circumstances of the case so justify:

Provided that no such order shall be passed unless the person concerned has been given an opportunity of being heard in the matter:

Provided further that nothing contained in this sub-section shall be applicable after an expiry of a period of three months from the date of the order passed by the adjudicating officer or disposal of the appeal under section 23A, whichever is earlier.”.

24. *Insertion of new section 19-IA.—* After section 19-I of the principal Act, the following section shall be inserted and shall be deemed to have been inserted with effect from the 20th day of April, 2007, namely:—

“19-IA. *Settlement of Administrative and Civil proceedings.—* (1) Notwithstanding anything contained in any other law for the time being in force, any person, against whom any proceedings have been initiated or may be initiated under section 19 or section 19H, as the case may be, may file an application in writing to the Board proposing for settlement of the proceedings initiated or to be initiated for the alleged defaults.

(2) The Board may, after taking into consideration the nature, gravity and impact of defaults, agree to the proposal for settlement, on payment of such sum by the defaulter or on such other terms as may be determined by the Board in accordance with the regulations made under the Securities and Exchange Board of India Act, 1992.

15 of 1992.

(3) For the purpose of settlement under this section, the procedure as specified by the Board under the Securities and Exchange Board of India Act, 1992 shall apply.

15 of 1992.

(4) No appeal shall lie under section 23A against any order passed by the Board or the adjudicating officer under this section.”.

25. *Insertion of new section 19-IB.—* After section 19-IA of the principal Act as so inserted, the following shall be inserted, namely:—

‘19-IB. *Recovery of amounts.—* (1) If a person fails to pay the penalty imposed by the adjudicating officer or fails to comply with a direction of disgorgement order issued under section 19 or fails to pay any fees due to the Board, the Recovery Officer may draw up under his signature a statement in the specified form specifying the amount due from the person (such statement being hereafter in this Chapter referred to as certificate) and shall proceed to recover from such person the amount

specified in the certificate by one or more of the following modes, namely:—

(a) attachment and sale of the person's movable property;

(b) attachment of the person's bank accounts;

(c) attachment and sale of the person's immovable property;

(d) arrest of the person and his detention in prison;

(e) appointing a receiver for the management of the person's movable and immovable properties,

and for this purpose, the provisions of sections 221 to 227, 228A, 229, 232, the Second and Third Schedules to the Income-tax Act, 1961 and the Income-tax (Certificate Proceedings) Rules, 1962, as in force from time to time, in so far as may be, apply with necessary modifications as if the said provisions and the rules thereunder were the provisions of this Act and referred to the amount due under this Ordinance instead of to income-tax under the Income-tax Act, 1961. 43 of 1961.

*Explanation 1.*— For the purposes of this sub-section, the person's movable or immovable property or monies held in bank accounts shall include any property or monies held in bank accounts which has been transferred, directly or indirectly on or after the date when the amount specified in certificate had become due, by the person to his spouse or minor child or son's wife or son's minor child, otherwise than for adequate consideration, and which is held by, or stands in the name of, any of the persons aforesaid; and so far as the movable or immovable property or monies held in bank accounts so transferred to his minor child or his son's minor child is concerned, it shall, even after the date of

attainment of majority by such minor child or son's minor child, as the case may be, continue to be included in the person's movable or immovable property or monies held in bank accounts for recovering any amount due from the person under this Ordinance.

*Explanation 2.*— Any reference under the provisions of the Second and Third Schedules to the Income-tax Act, 1961 and the 43 of 1961. Income-tax (Certificate Proceedings) Rules, 1962 to the assessee shall be construed as a reference to the person specified in the certificate.

*Explanation 3.*— Any reference to appeal in Chapter XVIIID and the Second Schedule to the Income-tax Act, 1961, shall be 43 of 1961. construed as a reference to appeal before the Securities Appellate Tribunal under section 23A of this Act.

(2) The recovery officer shall be empowered to seek the assistance of the local district administration while exercising the powers under sub-section (1).

(3) Notwithstanding anything contained in any other law for the time being in force, the recovery of amounts by a Recovery Officer under sub-section (1), pursuant to non-compliance with any direction issued by the Board under section 19, shall have precedence over any other claim against such person.

(4) For the purposes of sub-sections (1), (2) and (3), the expression "Recovery Officer" means any officer of the Board who may be authorised, by general or special order in writing, to exercise the powers of a Recovery Officer.

26. *Amendment of section 22.*— In section 22 of the principal Act, sub-section (2) shall be omitted.

27. *Insertion of new sections 22C, 22D, 22E, 22F and 22G.*— After section 22B of the principal Act, the following sections shall be inserted, namely:—

“22C. *Establishment of Special Courts.*—

(1) The Central Government may, for the purpose of providing speedy trial of offences under this Act, by notification, establish or designate as many Special Courts as may be necessary.

(2) A Special Court shall consist of a single judge who shall be appointed by the Central Government with the concurrence of the Chief Justice of the High Court within whose jurisdiction the judge to be appointed is working.

(3) A person shall not be qualified for appointment as a judge of a Special Court unless he is, immediately before such appointment, holding the office of a Sessions Judge or an Additional Sessions Judge, as the case may be.

22D. *Offences triable by Special Courts.*— Notwithstanding anything contained in the Code of Criminal Procedure, 1973, all offences under this Act committed prior to the date of commencement of the Securities Laws (Amendment) Ordinance, 2014 or on or after the date of such commencement, shall be taken cognizance of and tried by the Special Court established for the area in which the offence is committed or where there are more Special Courts than one for such area, by such one of them as may be specified in this behalf by the High Court concerned. 2 of 1974.

22E. *Appeal and Revision.*— The High Court may exercise, so far as may be applicable, all the powers conferred by Chapters XXIX and XXX of the Code of Criminal Procedure, 1973 on a High Court, as if a Special Court 2 of 1974.

within the local limits of the jurisdiction of the High Court were a Court of Session trying case within the local limits of the jurisdiction of the High Court.

22F. *Application of Code to proceedings before Special Court.*— (1) Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Session and the person conducting prosecution before a Special Court shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973. 2 of 1974.

(2) The person conducting prosecution referred to in sub-section (1) should have been in practice as an Advocate for not less than seven years or should have held a post, for a period of not less than seven years, under the Union or a State, requiring special knowledge of law.

22G. *Transitional provisions.*— Any offence committed under this Act which is triable by a Special Court shall, until a Special Court is established, be taken cognizance of and tried by a Court of Session exercising jurisdiction over the area, notwithstanding anything contained in the Code of Criminal Procedure, 1973: 2 of 1974.

Provided that nothing contained in this section shall affect the powers of the High Court under section 407 of the Code to transfer any case or class of cases taken cognizance by a Court of Session under this section.”.

28. *Amendment of section 23A.*— In section 23A of the principal Act, sub-section (2) shall be omitted.

29. *Insertion of new section 30A.*— After section 30 of the principal Act, the following section shall be inserted, namely:—

“30A. *Validation of certain acts.*— Any act or thing done or purporting to have been done under the principal Act, in respect of settlement of administrative and civil proceedings, shall, for all purposes, be deemed to be valid and effective as if the amendments made to the principal Act had been in force at all material times.”.

30. *Validation and savings.*— Notwithstanding the fact that the Securities Laws (Amendment) Second Ordinance, 2013 has ceased to operate, anything done or any action taken or purported to have been done or taken under the provisions of the said Ordinance shall be deemed to have been done or taken under the corresponding provisions of this Ordinance as if such provisions had been in force at all material times.

Ord. 9 of  
2013.

PRANAB MUKHERJEE,  
*President*

P. K. MALHOTRA,  
Secy. to the Govt. of India.

### Notification

10/3/2013-LA-(Part)/144

The National Food Security Act, 2013 (Central Act No. 20 of 2013), which has been passed by Parliament and assented to by the President on 10-9-2013 and published in the Gazette of India, Extraordinary, Part II, Section I, dated 10-9-2013, is hereby published for the general information of the public.

*Julio Barbosa Noronha*, Under Secretary (Law).

Porvorim, 6th June, 2014.

## THE NATIONAL FOOD SECURITY ACT, 2013

### Arrangement of Sections

#### CHAPTER I

##### Preliminary

#### Sections

1. Short title, extent and commencement.
2. Definitions.

#### CHAPTER II

##### Provisions for food security

3. Right to receive foodgrains at subsidised prices by persons belonging to eligible households under Targeted Public Distribution System.
4. Nutritional support to pregnant women and lactating mothers.
5. Nutritional support to children.
6. Prevention and management of child malnutrition.
7. Implementation of schemes for realisation of entitlements.

#### CHAPTER III

##### Food security allowance

8. Right to receive food security allowance in certain cases.

#### CHAPTER IV

##### Identification of eligible households

9. Coverage of population under Targeted Public Distribution System.
10. State Government to prepare guidelines and to identify priority households.
11. Publication and display of list of eligible households.

#### CHAPTER V

##### Reforms in Targeted Public Distribution System

12. Reforms in Targeted Public Distribution System.

#### CHAPTER VI

##### Women empowerment

13. Women of eighteen years of age or above to be head of household for purpose of issue of ration cards.

#### CHAPTER VII

##### Grievance redressal mechanism

14. Internal grievance redressal mechanism.



**Sections**

15. District Grievance Redressal Officer.
16. State Food Commission.
17. Salary and allowances of Chairperson, Member, Member-Secretary and other staff of State Commission.
18. Designation of any Commission or body to function as State Commission.
19. Joint State Food Commission.
20. Powers relating to inquiries.
21. Vacancies, etc., not to invalidate proceedings of State Commission.

**CHAPTER VIII****Obligations of Central Government for food security**

22. Central Government to allocate required quantity of foodgrains from central pool to State Governments.
23. Provisions for funds by Central Government to State Government in certain cases.

**CHAPTER IX****Obligations of State Government for food security**

24. Implementation and monitoring of schemes for ensuring food security.

**CHAPTER X****Obligations of local authorities**

25. Implementation of Targeted Public Distribution System by local authority in their areas.
26. Obligations of local authority.

**CHAPTER XI****Transparency and accountability**

27. Disclosure of records of Targeted Public Distribution System.
28. Conduct of social audit.
29. Setting up of Vigilance Committees.

**CHAPTER XII****Provisions for advancing food security**

30. Food security for people living in remote, hilly and tribal areas.
31. Steps to further advance food and nutritional security.

**CHAPTER XIII****Miscellaneous**

32. Other welfare schemes.
33. Penalties.

**Sections**

34. Power to adjudicate.
35. Power to delegate by Central Government and State Government.
36. Act to have overriding effect.
37. Power to amend Schedules.
38. Power of Central Government to give directions.
39. Power of Central Government to make rules.
40. Power of State Government to make rules.
41. Transitory provisions for schemes, guidelines, etc.
42. Power to remove difficulties.
43. Utilisation of institutional mechanism for other purposes.
44. *Force Majeure*.
45. Repeal and savings.

**SCHEDULE I.****SCHEDULE II.****SCHEDULE III.****SCHEDULE IV.****THE NATIONAL FOOD SECURITY ACT, 2013**

AN

ACT

*to provide for food and nutritional security in human life cycle approach, by ensuring access to adequate quantity of quality food at affordable prices to people to live a life with dignity and for matters connected therewith or incidental thereto.*

Be it enacted by Parliament in the Sixty-fourth Year of the Republic of India as follows:—

**CHAPTER I****Preliminary**

1. *Short title, extent and commencement.*—  
(1) This Act may be called the National Food Security Act, 2013.

(2) It extends to the whole of India.

(3) Save as otherwise provided, it shall be deemed to have come into force on the 5th day of July, 2013.

2. *Definitions.*— In this Act, unless the context otherwise requires,—



(1) “*anganwadi*” means a child care and development centre set up under the Integrated Child Development Services Scheme of the Central Government to render services covered under section 4, clause (a) of sub-section (1) of section 5 and section 6;

(2) “central pool” means the stock of foodgrains which is,—

(i) procured by the Central Government and the State Governments through minimum support price operations;

(ii) maintained for allocations under the Targeted Public Distribution System, other welfare schemes, including calamity relief and such other schemes;

(iii) kept as reserves for schemes referred to in sub-clause (ii);

(3) “eligible households” means households covered under the priority households and the Antyodaya Anna Yojana referred to in sub-section (1) of section 3;

(4) “fair price shop” means a shop which has been licensed to distribute essential commodities by an order issued under section 3 of the Essential Commodities Act, 1955, to the ration card holders 10 of 1955. under the Targeted Public Distribution System;

(5) “foodgrains” means rice, wheat or coarse grains or any combination thereof conforming to such quality norms as may be determined, by order, by the Central Government from time to time;

(6) “food security” means the supply of the entitled quantity of foodgrains and meal specified under Chapter II;

(7) “food security allowance” means the amount of money to be paid by the

concerned State Government to the entitled persons under section 8;

(8) “local authority” includes Panchayat, municipality, district board, cantonment board, town planning authority and in the States of Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura where Panchayats do not exist, the village council or committee or any other body, by whatever name called, which is authorised under the Constitution or any law for the time being in force for self-governance or any other authority or body vested with the control and management of civic services, within a specified local area;

(9) “meal” means hot cooked or pre-cooked and heated before its service meal or take home ration, as may be prescribed by the Central Government;

(10) “minimum support price” means the assured price announced by the Central Government at which foodgrains are procured from farmers by the Central Government and the State Governments and their agencies, for the central pool;

(11) “notification” means a notification issued under this Act and published in the Official Gazette;

(12) “other welfare schemes” means such Government schemes, in addition to the Targeted Public Distribution System, under which foodgrains or meals are supplied as part of the schemes;

(13) “person with disability” means a person defined as such in clause (t) of section 2 of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995; 1 of 1996.

(14) “priority households” means households identified as such under section 10;

(15) “prescribed” means prescribed by rules made under this Act;

(16) “ration card” means a document issued under an order or authority of the State Government for the purchase of essential commodities from the fair price shops under the Targeted Public Distribution System;

(17) “rural area” means any area in a State except those areas covered by any urban local body or a cantonment board established or constituted under any law for the time being in force;

(18) “Schedule” means a Schedule appended to this Act;

(19) “senior citizen” means a person defined as such under clause (h) of section 2 of the Maintenance and Welfare of Parents and Senior Citizens Act, 2007;

56 of 2007.

(20) “social audit” means the process in which people collectively monitor and evaluate the planning and implementation of a programme or scheme;

(21) “State Commission” means the State Food Commission constituted under section 16;

(22) “State Government”, in relation to a Union territory, means the Administrator thereof appointed under article 239 of the Constitution;

(23) “Targeted Public Distribution System” means the system for distribution of essential commodities to the ration card holders through fair price shops;

(24) “Vigilance Committee” means a committee constituted under section 29 to supervise the implementation of all schemes under this Act;

(25) the words and expressions not defined here but defined in the Essential Commodities Act, 1955, 10 of 1955.

or any other relevant Act shall have the meaning respectively assigned to them in those Acts.

## CHAPTER II

### Provisions for food security

3. *Right to receive foodgrains at subsidised prices by persons belonging to eligible households under Targeted Public Distribution System.*— (1) Every person belonging to priority households, identified under sub-section (1) of section 10, shall be entitled to receive five kilograms of foodgrains per person per month at subsidised prices specified in Schedule I from the State Government under the Targeted Public Distribution System:

Provided that the households covered under Antyodaya Anna Yojana shall, to such extent as may be specified by the Central Government for each State in the said scheme, be entitled to thirty-five kilograms of foodgrains per household per month at the prices specified in Schedule I:

Provided further that if annual allocation of foodgrains to any State under the Act is less than the average annual offtake of foodgrains for last three years under normal Targeted Public Distribution System, the same shall be protected at prices as may be determined by the Central Government and the State shall be allocated foodgrains as specified in Schedule IV.

*Explanation.*— For the purpose of this section, the “Antyodaya Anna Yojana” means, the scheme by the said name launched by the Central Government on the 25th day of December, 2000; and as modified from time to time.

(2) The entitlements of the persons belonging to the eligible households referred to in sub-section (1) at subsidised prices shall extend up to seventy-five per cent. of the rural population and up to fifty per cent. of the urban population.

(3) Subject to sub-section (1), the State Government may provide to the persons

belonging to eligible households, wheat flour in lieu of the entitled quantity of foodgrains in accordance with such guidelines as may be specified by the Central Government.

4. *Nutritional support to pregnant women and lactating mothers.*— Subject to such schemes as may be framed by the Central Government, every pregnant woman and lactating mother shall be entitled to—

(a) meal, free of charge, during pregnancy and six months after the child birth, through the local *anganwadi*, so as to meet the nutritional standards specified in Schedule II; and

(b) maternity benefit of not less than rupees six thousand, in such instalments as may be prescribed by the Central Government;

Provided that all pregnant women and lactating mothers in regular employment with the Central Government or State Governments or Public Sector Undertakings or those who are in receipt of similar benefits under any law for the time being in force shall not be entitled to benefits specified in clause (b).

5. *Nutritional support to children.*— (1) Subject to the provisions contained in clause (b), every child up to the age of fourteen years shall have the following entitlements for his nutritional needs, namely:—

(a) in the case of children in the age group of six months to six years, age appropriate meal, free of charge, through the local *anganwadi* so as to meet the nutritional standards specified in Schedule II:

Provided that for children below the age of six months, exclusive breast feeding shall be promoted;

(b) in the case of children, up to class VIII or within the age group of six to fourteen years, whichever is applicable, one mid-day meal, free of charge, everyday, except on school holidays, in all schools run by

local bodies, Government and Government aided schools, so as to meet the nutritional standards specified in Schedule II.

(2) Every school, referred to in clause (b) of sub-section (1), and *anganwadi* shall have facilities for cooking meals, drinking water and sanitation:

Provided that in urban areas facilities of centralised kitchens for cooking meals may be used, wherever required, as per the guidelines issued by the Central Government.

6. *Prevention and management of child malnutrition.*— The State Government shall, through the local *anganwadi*, identify and provide meals, free of charge, to children who suffer from malnutrition, so as to meet the nutritional standards specified in Schedule II.

7. *Implementation of schemes for realisation of entitlements.*— The State Governments shall implement schemes covering entitlements under sections 4, 5 and section 6 in accordance with the guidelines, including cost sharing, between the Central Government and the State Governments in such manner as may be prescribed by the Central Government.

### CHAPTER III

#### Food security allowance

8. *Right to receive food security allowance in certain cases.*— In case of non-supply of the entitled quantities of foodgrains or meals to entitled persons under Chapter II, such persons shall be entitled to receive such food security allowance from the concerned State Government to be paid to each person, within such time and manner as may be prescribed by the Central Government.

### CHAPTER IV

#### Identification of eligible households

9. *Coverage of population under Targeted Public Distribution System.*— The percentage

coverage under the Targeted Public Distribution System in rural and urban areas for each State shall, subject to sub-section (2) of section 3, be determined by the Central Government and the total number of persons to be covered in such rural and urban areas of the State shall be calculated on the basis of the population estimates as per the census of which the relevant figures have been published.

10. *State Government to prepare guidelines and to identify priority households.*— (1) The State Government shall, within the number of persons determined under section 9 for the rural and urban areas, identify—

(a) the households to be covered under the Antyodaya Anna Yojana to the extent specified under sub-section (1) of section 3, in accordance with the guidelines applicable to the said scheme;

(b) the remaining households as priority households to be covered under the Targeted Public Distribution System, in accordance with such guidelines as the State Government may specify:

Provided that the State Government may, as soon as possible, but within such period not exceeding three hundred and sixty-five days, after the commencement of the Act, identify the eligible households in accordance with the guidelines framed under this sub-section:

Provided further that the State Government shall continue to receive the allocation of foodgrains from the Central Government under the existing Targeted Public Distribution System, till the identification of such households is complete.

(2) The State Government shall update the list of eligible households, within the number of persons determined under section 9 for the rural and urban areas, in accordance with the guidelines framed under sub-section (1).

11. *Publication and display of list of eligible households.*— The State Government shall place the list of the identified eligible households in the public domain and display it prominently.

## CHAPTER V

### Reforms in targeted public distribution system

12. *Reforms in Targeted Public Distribution System.*— (1) The Central and State Governments shall endeavour to progressively undertake necessary reforms in the Targeted Public Distribution System in consonance with the role envisaged for them in this Act.

(2) The reforms shall, *inter alia*, include—

(a) doorstep delivery foodgrains to the Targeted Public Distribution System outlets;

(b) application of information and communication technology tools including end-to-end computerisation in order to ensure transparent recording of transactions at all levels, and to prevent diversion;

(c) leveraging “aadhaar” for unique identification, with biometric information of entitled beneficiaries for proper targeting of benefits under this Act;

(d) full transparency of records;

(e) preference to public institutions or public bodies such as Panchayats, self-help groups, co-operatives, in licensing of fair price shops and management of fair price shops by women or their collectives;

(f) diversification of commodities distributed under the Public Distribution System over a period of time;

(g) support to local public distribution models and grains banks;

(h) introducing schemes, such as, cash transfer, food coupons, or other schemes,

to the targeted beneficiaries in order to ensure their foodgrain entitlements specified in Chapter II, in such area and manner as may be prescribed by the Central Government.

## CHAPTER VI

### Women empowerment

13. *Women of eighteen years of age or above to be head of households for purpose of issue of ration cards.*— (1) The eldest woman who is not less than eighteen years of age, in every eligible household, shall be head of the household for the purpose of issue of ration cards.

(2) Where a household at any time does not have a woman or a woman of eighteen years of age or above, but has a female member below the age of eighteen years, then, the eldest male member of the household shall be the head of the household for the purpose of issue of ration card and the female member, on attaining the age of eighteen years, shall become the head of the household for such ration cards in place of such male member.

## CHAPTER VII

### Grievance redressal mechanism

14. *Internal grievance redressal mechanism.*— Every State Government shall put in place an internal grievance redressal mechanism which may include call centres, help lines, designation of nodal officers, or such other mechanism as may be prescribed.

15. *District Grievance Redressal Officer.*— (1) The State Government shall appoint or designate, for each district, an officer to be the District Grievance Redressal Officer for expeditious and effective redressal of grievances of the aggrieved persons in matters relating to distribution of entitled foodgrains or meals under Chapter II, and to enforce the entitlements under this Act.

(2) The qualifications for appointment as District Grievance Redressal Officer and its

powers shall be such as may be prescribed by the State Government.

(3) The method and terms and conditions of appointment of the District Grievance Redressal Officer shall be such as may be prescribed by the State Government.

(4) The State Government shall provide for the salary and allowances of the District Grievance Redressal Officer and other staff and such other expenditure as may be considered necessary for their proper functioning.

(5) The officer referred to in sub-section (1) shall hear complaints regarding non-distribution of entitled foodgrains or meals, and matters relating thereto, and take necessary action for their redressal in such manner and within such time as may be prescribed by the State Government.

(6) Any complainant or the officer or authority against whom any order has been passed by officer referred to in sub-section (1), who is not satisfied with the redressal of grievance may file an appeal against such order before the State Commission.

(7) Every appeal under sub-section (6) shall be filed in such manner and within such time as may be prescribed by the State Government.

16. *State Food Commission.*— (1) Every State Government shall, by notification, constitute a State Food Commission for the purpose of monitoring and review of implementation of this Act.

(2) The State Commission shall consist of—

(a) a Chairperson;

(b) five other Members; and

(c) a Member-Secretary, who shall be an officer of the State Government not below the rank of Joint Secretary to that Government:



Provided that there shall be at least two women, whether Chairperson, Member or Member-Secretary:

Provided further that there shall be one person belonging to the Scheduled Castes and one person belonging to the Scheduled Tribes, whether Chairperson, Member or Member-Secretary.

(3) The Chairperson and other Members shall be appointed from amongst persons—

(a) who are or have been member of the All India Services or any other civil services of the Union or State or holding a civil post under the Union or State having knowledge and experience in matters relating to food security, policy making and administration in the field of agriculture, civil supplies, nutrition, health or any allied field; or

(b) of eminence in public life with wide knowledge and experience in agriculture, law, human rights, social service, management, nutrition, health, food policy or public administration; or

(c) who have a proven record of work relating to the improvement of the food and nutrition rights of the poor.

(4) The Chairperson and every other Member shall hold office for a term not exceeding five years from the date on which he enters upon his office and shall be eligible for reappointment:

Provided that no person shall hold office as the Chairperson or other Member after he has attained the age of sixty-five years.

(5) The method of appointment and other terms and conditions subject to which the Chairperson, other Members and Member-Secretary of the State Commission may be appointed, and time, place and procedure of meetings of the State Commission (including the quorum at such meetings) and its powers, shall be such as may be prescribed by the State Government.

(6) The State Commission shall undertake the following functions, namely:—

(a) monitor and evaluate the implementation of this Act, in relation to the State;

(b) either *suo motu* or on receipt of complaint inquire into violations of entitlements provided under Chapter II;

(c) give advice to the State Government on effective implementation of this Act;

(d) give advice to the State Government, their agencies, autonomous bodies as well as non-governmental organisations involved in delivery of relevant services, for the effective implementation of food and nutrition related schemes, to enable individuals to fully access their entitlements specified in this Act;

(e) hear appeals against orders of the District Grievance Redressal Officer;

(f) prepare annual reports which shall be laid before the State Legislature by the State Government.

(7) The State Government shall make available to the State Commission, such administrative and technical staff, as it may consider necessary for proper functioning of the State Commission.

(8) The method of appointment of the staff under sub-section (7), their salaries, allowances and conditions of service shall be such, as may be prescribed by the State Government.

(9) The State Government may remove from office the Chairperson or any Member who—

(a) is, or at any time has been, adjudged as an insolvent; or

(b) has become physically or mentally incapable of acting as a member; or



(c) has been convicted of an offence which, in the opinion of the State Government, involves moral turpitude; or

(d) has acquired such financial or other interest as is likely to affect prejudicially his functions as a member; or

(e) has so abused his position as to render his continuation in office detrimental to the public interest.

(10) No such Chairperson or Member shall be removed under clause (d) or clause (e) of sub-section (9) unless he has been given a reasonable opportunity of being heard in the matter.

17. *Salary and allowances of Chairperson, Member, Member-Secretary and other staff of State Commission.*— The State Government shall provide for salary and allowances of Chairperson, other Members, Member-Secretary, support staff, and other administrative expenses required for proper functioning of the State Commission.

18. *Designation of any Commission or body to function as State Commission.*— The State Government may if considers it necessary by notification designate any statutory commission or a body to exercise the powers and perform the functions of the State Commission referred to in section 16.

19. *Joint State Food Commission.*— Notwithstanding anything contained in sub-section (1) of section 16, two or more States may have a Joint State Food Commission for the purposes of this Act with the approval of the Central Government.

20. *Powers relating to inquires.*—

(1) The State Commission shall, while inquiring into any matter referred to in clauses (b) and (e) of sub-section (6) of section 16, have all the powers of a civil court while trying a suit under the Code of Civil Procedure, 1908, and, in particular, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person and examining him on oath;

(b) discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office; and

(e) issuing commissions for the examination of witnesses or documents.

(2) The State Commission shall have the power to forward any case to a Magistrate having jurisdiction to try the same and the Magistrate to whom any such case is forwarded shall proceed to hear the complaint against the accused as if the case has been forwarded to him under section 346 of the Code of Criminal Procedure, 1973.

2 of 1974.

21. *Vacancies, etc., not to invalidate proceedings of State Commission.*— No act or proceeding of the State Commission shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the State Commission; or

(b) any defect in, the appointment of a person as the Chairperson or a Member of the State Commission; or

(c) any irregularity in the procedure of the State Commission not affecting the merits of the case.

## CHAPTER VIII

Obligations of Central Government for food security

22. *Central Government to allocate required quantity of foodgrains from central pool to State Governments.*— (1) The Central Government shall, for ensuring the regular supply of foodgrains to persons belonging to

eligible households, allocate from the central pool the required quantity of foodgrains to the State Governments under the Targeted Public Distribution System, as per the entitlements under section 3 and at prices specified in Schedule I.

(2) The Central Government shall allocate foodgrains in accordance with the number of persons belonging to the eligible households identified in each State under section 10.

(3) The Central Government shall provide foodgrains in respect of entitlements under sections 4, 5 and section 6, to the State Governments, at prices specified for the persons belonging to eligible households in Schedule I.

(4) Without prejudice to sub-section (1), the Central Government shall,—

(a) procure foodgrains for the central pool through its own agencies and the State Governments and their agencies;

(b) allocate foodgrains to the States;

(c) provide for transportation of foodgrains, as per allocation, to the depots designated by the Central Government in each State;

(d) provide assistance to the State Government in meeting the expenditure incurred by it towards intra-State movement, handling of foodgrains and margins paid to fair price shop dealers, in accordance with such norms and manner as may be prescribed by the Central Government; and

(e) create and maintain required modern and scientific storage facilities at various levels.

23. *Provisions for funds by Central Government to State Government in certain cases.*— In case of short supply of foodgrains from the central pool to a State, the Central

Government shall provide funds to the extent of short supply to the State Government for meeting obligations under Chapter II in such manner as may be prescribed by the Central Government.

## CHAPTER IX

### Obligations of State Government for food security

24. *Implementation and monitoring of schemes for ensuring food security.*— (1) The State Government shall be responsible for implementation and monitoring of the schemes of various Ministries and Departments of the Central Government in accordance with guidelines issued by the Central Government for each scheme, and their own schemes, for ensuring food security to the targeted beneficiaries in their State.

(2) Under the Targeted Public Distribution System, it shall be the duty of the State Government to—

(a) take delivery of foodgrains from the designated depots of the Central Government in the State, at the prices specified in Schedule I, organise intra-State allocations for delivery of the allocated foodgrains through their authorised agencies at the door-step of each fair price shop; and

(b) ensure actual delivery or supply of the foodgrains to the entitled persons at the prices specified in Schedule I.

(3) For foodgrain requirements in respect of entitlements under sections 4, 5 and section 6, it shall be the responsibility of the State Government to take delivery of foodgrains from the designated depots of the Central Government in the State, at the prices specified in Schedule I for persons belonging to eligible households and ensure actual delivery of entitled benefits, as specified in the aforesaid sections.

(4) In case of non-supply of the entitled quantities of foodgrains or meals to entitled

persons under Chapter II, the State Government shall be responsible for payment of food security allowance specified in section 8.

(5) For efficient operations of the Targeted Public Distribution System, every State Government shall,—

(a) create and maintain scientific storage facilities at the State, District and Block levels, being sufficient to accommodate foodgrains required under the Targeted Public Distribution System and other food based welfare schemes;

(b) suitably strengthen capacities of their Food and Civil Supplies Corporations and other designated agencies;

(c) establish institutionalised licensing arrangements for fair price shops in accordance with the relevant provisions of the Public Distribution System (Control) Order, 2001 made under the Essential Commodities Act, 1955, 10 of 1955, as amended from time to time.

## CHAPTER X

### Obligations of local authorities

25. *Implementation of Targeted Public Distribution System by local authority in their areas.*— (1) The local authorities shall be responsible for the proper implementation of this Act in their respective areas.

(2) Without prejudice to sub-section (1), the State Government may assign, by notification, additional responsibilities for implementation of the Targeted Public Distribution System to the local authority.

26. *Obligations of local authority.*— In implementing different schemes of the Ministries and Departments of the Central Government and the State Governments, prepared to implement provisions of this Act, the local authorities shall be responsible for

discharging such duties and responsibilities as may be assigned to them, by notification, by the respective State Governments.

## CHAPTER XI

### Transparency and accountability

27. *Disclosure of records of Targeted Public Distribution System.*— All Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to the public, in such manner as may be prescribed by the State Government.

28. *Conduct of social audit.*— (1) Every local authority, or any other authority or body, as may be authorised by the State Government, shall conduct or cause to be conducted, periodic social audits on the functioning of fair price shops, Targeted Public Distribution System and other welfare schemes, and cause to publicise its findings and take necessary action, in such manner as may be prescribed by the State Government.

(2) The Central Government may, if it considers necessary, conduct or cause to be conducted social audit through independent agencies having experience in conduct of such audits.

29. *Setting up of Vigilance Committees.*— (1) For ensuring transparency and proper functioning of the Targeted Public Distribution System and accountability of the functionaries in such system, every State Government shall set up Vigilance Committees as specified in the Public Distribution System (Control) Order, 2001, made under the Essential Commodities Act, 1955, as amended from time to time, at the State, District, Block and fair price shop levels consisting of such persons, as may be prescribed by the State Government giving due representation to the local authorities, the Scheduled Castes, the Scheduled Tribes, women and destitute persons or persons with disability. 10 of 1955.

(2) The Vigilance Committees shall perform the following functions, namely:—

(a) regularly supervise the implementation of all schemes under this Act;

(b) inform the District Grievance Redressal Officer, in writing, of any violation of the provisions of this Act; and

(c) inform the District Grievance Redressal Officer, in writing, of any malpractice or misappropriation of funds found by it.

## CHAPTER XII

### Provisions for advancing food security

30. *Food security for people living in remote, hilly and tribal areas.*— The Central Government and the State Governments shall, while implementing the provisions of this Act and the schemes for meeting specified entitlements, give special focus to the needs of the vulnerable groups especially in remote areas and other areas which are difficult to access, hilly and tribal areas for ensuring their food security.

31. *Steps to further advance food and nutritional security.*— The Central Government, the State Governments and local authorities shall, for the purpose of advancing food and nutritional security, strive to progressively realise the objectives specified in Schedule III.

## CHAPTER XIII

### Miscellaneous

32. *Other welfare schemes.*— (1) The provisions of this Act shall not preclude the Central Government or the State Government from continuing or formulating other food based welfare schemes.

(2) Notwithstanding anything contained in this Act, the State Government may, continue with or formulate food or nutrition based plans

or schemes providing for benefits higher than the benefits provided under this Act, from its own resources.

33. *Penalties.*— Any public servant or authority found guilty, by the State Commission at the time of deciding any complaint or appeal, of failing to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or wilfully ignoring such recommendation, shall be liable to penalty not exceeding five thousand rupees:

Provided that the public servant or the public authority, as the case may be, shall be given a reasonable opportunity of being heard before any penalty is imposed.

34. *Power to adjudicate.*— (1) For the purpose of adjudging penalty under section 33, the State Commission shall authorise any of its member to be an adjudicating officer for holding an inquiry in the prescribed manner after giving any person concerned a reasonable opportunity of being heard for the purpose of imposing any penalty.

(2) While holding an inquiry the adjudicating officer shall have power to summon and enforce the attendance of any person acquainted with the facts and circumstances of the case to give evidence or to produce any document which in the opinion of the adjudicating officer, may be useful for or relevant to the subject matter of the inquiry and if, on such inquiry, he is satisfied that the person has failed to provide the relief recommended by the District Grievance Redressal Officer, without reasonable cause, or wilfully ignored such recommendation, he may impose such penalty as he thinks fit in accordance with the provisions of section 33.

35. *Power to delegate by Central Government and State Government.*— (1) The Central Government may, by notification, direct that the powers exercisable by it (except the power to make rules), in such



circumstances and subject to such conditions and limitations, be exercisable also by the State Government or an officer subordinate to the Central Government or the State Government as it may specify in the notification.

(2) The State Government may, by notification, direct that the powers exercisable by it (except the power to make rules), in such circumstances and subject to such conditions and limitations, be exercisable also by an officer subordinate to it as it may specify in the notification.

**36. Act to have overriding effect.**— The provisions of this Act or the schemes made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any instrument having effect by virtue of such law.

**37. Power to amend Schedules.**— (1) If the Central Government is satisfied that it is necessary or expedient so to do, it may, by notification, amend Schedule I or Schedule II or Schedule III or Schedule IV and thereupon Schedule I or Schedule II or Schedule III or Schedule IV, as the case may be, shall be deemed to have been amended accordingly.

(2) A copy of every notification issued under sub-section (1), shall be laid before each House of Parliament as soon as may be after it is issued.

**38. Power of Central Government to give directions.**— The Central Government may, from time to time, give such directions, as it may consider necessary, to the State Governments for the effective implementation of the provisions of this Act and the State Governments shall comply with such directions.

**39. Power of Central Government to make rules.**— (1) The Central Government may, in consultation with the State Governments and by notification, make rules to carry out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) scheme including cost sharing for providing maternity benefit to pregnant women and lactating mothers under clause (b) of section 4;

(b) schemes covering entitlements under sections 4, 5 and section 6 including cost sharing under section 7;

(c) amount, time and manner of payment of food security allowance to entitled individuals under section 8;

(d) introducing schemes of cash transfer, food coupons or other schemes to the targeted beneficiaries in order to ensure their foodgrains entitlements in such areas and manner under clause (h) of sub-section (2) of section 12;

(e) the norms and manner of providing assistance to the State Governments in meeting expenditure under clause (d) of sub-section (4) of section 22;

(f) manner in which funds shall be provided by the Central Government to the State Governments in case of short supply of foodgrains, under section 23;

(g) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the Central Government by rules.

(3) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

40. *Power of State Government to make rules.*— (1) The State Government may, by notification, and subject to the condition of previous publication, and consistent with this Act and the rules made by the Central Government, make rules to carry out the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) guidelines for identification of priority households under sub-section (1) of section 10;

(b) internal grievance redressal mechanism under section 14;

(c) qualifications for appointment as District Grievance Redressal Officer and its powers under sub-section (2) of section 15;

(d) method and terms and conditions of appointment of the District Grievance Redressal Officer under sub-section (3) of section 15;

(e) manner and time limit for hearing complaints by the District Grievance Redressal Officer and the filing of appeals under sub-sections (5) and (7) of section 15;

(f) method of appointment and the terms and conditions of appointment of Chairperson, other Members and Member-Secretary of the State Commission, procedure for meetings of the Commission and its powers, under sub-section (5) of section 16;

(g) method of appointment of staff of the State Commission, their salaries, allowances and conditions of service under sub-section (8) of section 16;

(h) manner in which the Targeted Public Distribution System related records shall be placed in the public domain and kept open for inspection to public under section 27;

(i) manner in which the social audit on the functioning of fair price shops, Targeted Public Distribution System and other

welfare schemes shall be conducted under section 28;

(l) composition of Vigilance Committees under sub-section (1) of section 29;

(k) schemes or programmes of the Central Government or the State Governments for utilisation of institutional mechanism under section 43;

(l) any other matter which is to be, or may be, prescribed or in respect of which provision is to be made by the State Government by rules.

(3) Every rule, notification and guidelines made or issued by the State Government under this Act shall, as soon as may be after it is made or issued, be laid before each House of the State Legislature where there are two Houses, and where there is one House of the State Legislature, before that House.

41. *Transitory provisions for schemes, guidelines, etc.*— The schemes, guidelines, orders and food standard, grievance redressal mechanism, vigilance committees, existing on the date of commencement of this Act, shall continue to be in force and operate till such schemes, guidelines, orders and food standard, grievance redressal mechanism, vigilance committees are specified or notified under this Act or the rules made thereunder:

Provided that anything done or any action taken under the said schemes, guidelines, orders and food standard, grievance redressal mechanism, or by vigilance committees shall be deemed to have been done or taken under the corresponding provisions of this Act and shall continue to be in force accordingly unless and until superseded by anything done or by any action taken under this Act.

42. *Power to remove difficulties.*— (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:



Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act.

(2) Every order made under this section shall be laid, as soon as may be after it is made, before each House of Parliament.

43. *Utilisation of institutional mechanism for other purposes.*— The services of authorities to be appointed or constituted under sections 15 and 16 may be utilised in the implementation of other schemes or programmes of the Central Government or the State Governments, as may be prescribed by the State Government.

44. *Force Majeure.*— The Central Government, or as the case may be, the State Government, shall be liable for a claim by any person entitled under this Act, except in the case of war, flood, drought, fire, cyclone or earthquake affecting the regular supply of foodgrains or meals to such person under this Act:

Provided that the Central Government may, in consultation with the Planning Commission, declare whether or not any such situation affecting the regular supply of foodgrains or meals to such person has arisen or exists.

45. *Repeal and savings.*— (1) The National Food Security Ordinance, Ord. 7 of 2013 is hereby repealed. 2013.

(2) Notwithstanding such repeal,—

(a) anything done, any action taken or any identification of eligible households made; or

(b) any right, entitlement, privilege, obligation or liability acquired, accrued or incurred; or

(c) any guidelines framed or directions issued; or

(d) any investigation, inquiry or any other legal proceeding initiated, conducted or continued in respect of such right, entitlement, privilege, obligation or liability as aforesaid; or

(e) any penalty imposed in respect of any offence,

under the said Ordinance shall be deemed to have been done, taken, made, acquired, accrued, incurred, framed, issued, initiated, conducted, continued or imposed under the corresponding provisions of this Act.

#### SCHEDULE I

[See sections 3(1), 22(1), (3) and 24 (2), (3)]

#### Subsidised prices under Targeted Public Distribution System

Eligible households shall be entitled to foodgrains under section 3 at the subsidised price not exceeding rupees 3 per kg for rice, rupees 2 per kg for wheat and rupee 1 per kg for coarse grains for a period of three years from the date of commencement of this Act; and thereafter, at such price, as may be fixed by the Central Government, from time to time, not exceeding,—

(i) the minimum support price for wheat and coarse grains; and

(ii) the derived minimum support price for rice, as the case may be.

#### SCHEDULE II

[See sections 4(a), 5(l) and 6]

#### Nutritional standards

*Nutritional standards:* The nutritional standards for children in the age group of 6 months to 3 years, age group of 3 to 6 years and pregnant women and lactating mothers required to be met by providing "Take Home Rations" or nutritious hot cooked meal in accordance with the Integrated Child Development Services Scheme and nutritional standards for children in lower and upper primary classes under the Mid Day Meal Scheme are as follows:

Serial number	Category	Type of meal <sup>2</sup>	Calories (Kcal)	Protein (g)
1	2	3	4	5
1. Children (6 months to 3 years)		Take Home Ration	500	12-15
2. Children (3 to 6 years)		Morning Snack and Hot Cooked Meal	500	12-15
3. Children (6 months to 6 years) who are malnourished		Take Home Ration	800	20-25
4. Lower primary classes		Hot Cooked Meal	450	12

1	2	3	4	5
5. Upper primary classes	Hot Cooked Meal	700	20	
6. Pregnant women and Lactating mothers	Take Home Ration	600	18-20	

## SCHEDULE III

(See section 31)

## Provisions for advancing food security

1. *Revitalisation of Agriculture*—

(a) agrarian reforms through measures for securing interests of small and marginal farmers;

(b) increase in investments in agriculture, including research and development, extension services, micro and minor irrigation and power to increase productivity and production;

(c) ensuring livelihood security to farmers by way of remunerative prices, access to inputs, credit, irrigation, power, crop insurance, etc.;

(d) prohibiting unwarranted diversion of land and water from food production.

2. *Procurement, Storage and Movement related interventions*—

(a) incentivising decentralised procurement including procurement of coarse grains;

(b) geographical diversification of procurement operations;

(c) augmentation of adequate decentralised modern and scientific storage;

(d) giving top priority to movement of foodgrains and providing sufficient number of rakes for this purpose, including expanding the line capacity of railways to facilitate foodgrain movement from surplus to consuming regions.

3. *Others: Access to*—

(a) safe and adequate drinking water and sanitation;

(b) health care;

(c) nutritional, health and education support to adolescent girls;

(d) adequate pensions for senior citizens, persons with disability and single women.

## SCHEDULE IV

[See section 3(1)]

## State-wise allocation of foodgrains

Sr. No.	Name of the State	Quantity (in lakh tons)
1	2	3
1.	Andhra Pradesh	32.10
2.	Arunachal Pradesh	0.89
3.	Assam	16.95
4.	Bihar	55.27
5.	Chhattisgarh	12.91
6.	Delhi	5.73
7.	Goa	0.59
8.	Gujarat	23.95
9.	Haryana	7.95
10.	Himachal Pradesh	5.08
11.	Jammu and Kashmir	7.51
12.	Jharkhand	16.96
13.	Karnataka	25.56
14.	Kerala	14.25
15.	Madhya Pradesh	34.68
16.	Maharashtra	45.02
17.	Manipur	1.51
18.	Meghalaya	1.76
19.	Mizoram	0.66
20.	Nagaland	1.38
21.	Odisha	21.09
22.	Punjab	8.70
23.	Rajasthan	27.92
24.	Sikkim	0.44
25.	Tamilnadu	36.78
26.	Tripura	2.71
27.	Uttar Pradesh	96.15
28.	Uttarakhand	5.03
29.	West Bengal	38.49
30.	Andaman and Nicobar Islands	0.16
31.	Chandigarh	0.31
32.	Dadra and Nagar Haveli	0.15
33.	Daman and Diu	0.07
34.	Lakshadweep	0.05
35.	Puducherry	0.50
<b>Total</b>		<b>549.26</b>

[www.goaprintingpress.gov.in](http://www.goaprintingpress.gov.in)

Printed and Published by the Director, Printing & Stationery,  
Government Printing Press,  
Mahatma Gandhi Road, Panaji-Goa 403 001.

**PRICE – Rs. 34.00**

PRINTED AT THE GOVERNMENT PRINTING PRESS, PANAJI-GOA — 101/350 — 6/2014.